

AMENDMENT UNDER 37 C.F.R. §1.111
Application Number 09/986,020

Our Ref: Q67038
Art Unit: 2633

AMENDMENTS TO THE DRAWINGS

Figure 1 has been objected to because Figure 1 should be designated as prior art.

Applicant has amended Figure to be labeled as "Prior Art." A replacement sheet of Figure 1 is attached herewith.

Attachment: Replacement Figure 1.

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d).

However, Applicant notes that on the form PTOL-326 the Examiner did not indicate that the certified copy of the priority document has been received. Applicant hereby requests the Examiner acknowledge receipt of the certified copy of the priority document.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO-1449 filed on November 7, 2001, thus indicating that all of the references listed thereon have been considered.

Drawings:

The Examiner has also indicated that the drawings filed with the application have been objected to. Specifically, the Examiner has indicated that Figure 1 should be identified as "Prior Art."

Figure 1 has been revised and a replacement sheet is filed herewith. Applicant hereby requests the Examiner withdraw the above objection.

Specification:

The Examiner has also objected to the specification. Specifically, the Examiner has indicated that there are a number of instances of the phrase "on the one hand" and the Examiner wishes to correct the phrase to "on one hand." Applicant has amended the specification to

address the Examiner's concerns, and hereby requests the Examiner reconsider and withdraw the above objection to the specification.

Allowable Subject Matter:

Applicant sincerely thanks the Examiner for indicating that although claims 2-26 have been objected to, these claims would be allowable if written in independent form.

Claim Rejections:

Claims 1-16 are all of the claims that have been examined in the present application and currently only claims 1, 4 and 5 stand rejected.

Applicant notes that claims 7 and 16 have been cancelled without prejudice or disclaimer.

35 U.S.C. § 112, 2nd Paragraph Rejection - Claims 1, 4 and 5:

Claims 1, 4 and 5 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite.

Applicant has amended each of these claims as shown in the previous section, and hereby submits that the amendments to the claim sufficiently address the Examiner's concerns.

Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 112 rejection of these claims.

35 U.S.C. § 103(a) Rejection - Claim 1:

Claim 1 is the only claim which stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art (i.e. Figure 1) and U.S. Patent No. 5,365,358 to Stein.

In view of the following discussion, Applicant traverses the above rejection.

The Examiner alleges that Figure 1 discloses each and every feature of the claimed invention, except that Figure 1 does not teach dividing the data packets into a plurality of groups, as claimed. For this teaching the Examiner relies on Stein. With regard to Stein, the Examiner alleges that this reference teaches dividing input wavelengths (e1 through ee) for optical switching equipment. Further, the Examiner alleges that this would have been obvious to a skilled artisan to incorporate Stein with Figure 1 to rout and switch optical signals of different groups of wavelengths to different destinations.

However, in view of the following discussion, Applicant respectfully disagrees, and submits that the cited prior art fails to teach or suggest each and every feature of claim 1.

Specifically, the references (Figure 1 and Stein) taken separately or in combination do not teach or suggest a device having a plurality of spectral splitters inserted in the structure, as claimed in claim 1. Claim 1 recites that the packet router contains a broadcaster system which includes a plurality of spectral splitters. Each of the splitters have an input connected to an associated primary internal terminal, and a plurality of outputs, where each of the outputs are connected to a plurality of distribution terminals. Further, the outputs are respectively associated with groups of wavelengths containing respective fractions of the plurality of operating wavelengths, and the respective fractions being the same for all the splitters. *See* claim 1.

An advantage of this structure, an exemplary embodiment of which is shown in Figure 3 of the present application, lies in that the number of carrier wavelengths going through the optical switches (SR) of the space switch may be reduced, thus limiting optical crosstalk.

This structure is neither disclosed or suggested by either Figure 1 of the present application, or the Stein reference. Applicant submits that this aspect of the present invention was not obvious because neither of the references cited mentions nor suggests such a problem in the prior art. Further, it was not obvious to a skilled artisan that that separating the input multiplex into several groups of wavelengths (or wavebands) could lead to a structure which may remain relatively compact. This aspect of the present invention is discussed in the present application at page 16, line 2, to page 17, line 1.

In view of the foregoing, Applicant submits that neither of the above prior art references teach or suggest each and every feature of the claimed invention. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness with respect to these claims, as set forth and required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of claim 1.

Conclusion:

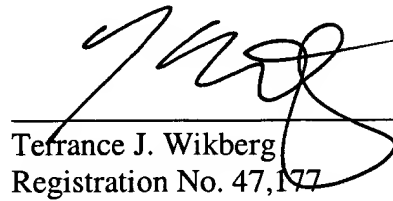
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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